

FILED

NOV 15 2018

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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

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Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLON RAFAEL PEREZ-HERRERA,

Defendant,

CASE NO. **CR 18 561**
SEALING APPLICATION AND SEALING
ORDER

UNDER SEAL

The United States requests that the Indictment, Penalty Sheet and Arrest Warrant in the above-captioned case filed with the Court on November 15, 2018, be filed under seal until further order of the Court, with the exception that the Clerk's office may provide a copy of the Information and Penalty Sheet to the U.S. Attorney's Office and agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and if the government determines that these materials are subject to its discovery obligations in connection with criminal proceedings, they may be produced to defense counsel.

The sealing application is requested to facilitate the arrest of defendant because the government is continuing its investigation and the disclosure of the defendant's identity or the charges and nature of

SEALING APPLICATION AND SEALING ORDER

1 the investigation could thwart the investigation and/or incentivize the defendant to flee.

2 It is further requested that nothing in the Court's Order shall prevent the United States Attorney's
3 Office from obtaining copies of any of these documents under seal or sharing the documents with the
4 investigating agency, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any other law
5 enforcement agency designated by the United States Attorney's Office.

6 WHEREFORE, the United States respectfully request that the Court issue an Order granting this
7 Application.

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9 DATED: November 15, 2018

Respectfully submitted,

ALEX G. TSE
United States Attorney

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THOMAS R. GREEN
Assistant United States Attorney

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16 **ORDER**

17 On the government's application, and for good cause shown, it is HEREBY ORDERED THAT the
18 Indictment, Penalty Sheet and Arrest Warrant filed with the Court on November 15, 2018, shall be filed
19 under seal until further order of the court with the exception that the Clerk's office may provide a copy
20 of the Information and Penalty Sheet to the U.S. Attorney's Office and agents of the Bureau of Alcohol,
21 Tobacco, Firearms and Explosives, and if the government determines that these materials are subject to
22 its discovery obligations in connection with criminal proceedings, the government may produce these
23 documents to defense counsel.

24 IT IS SO ORDERED.

25
26 DATED: November 15, 2018

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HONORABLE DONNA M. RYU
U.S. Magistrate Judge